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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,247	01/09/2002	Takao Ohno	Q68006	1966
7590 12/05/2003				
Sughrue Mion Zinn Macpeak & Seas Suite 800 2100 Pennsylvania Avenue NW Washington, DC 20037-3213			EXAMINER VO, HAI	
			ART UNIT	PAPER NUMBER
			1771	

DATE MAILED: 12/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

10/030,247

Applicant(s)

OHNO ET AL.

Examiner

Hai Vo

Art Unit

1771

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 12 November 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-7 and 36.Claim(s) withdrawn from consideration: 8-24, 27-35.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☒ Other: PTO-892, Notice of References Cited

Elizabeth M. Cole
ELIZABETH M. COLE
PRIMARY EXAMINER

Continuation of 5. does NOT place the application in condition for allowance because: The arguments that the film of Tamura is believed to be non-porous because the the porous film having multi fine pores can not be transparent have been considered. US 3,658,529 is relied as evidence that teaches the porous film is a transparent film (column 6, lines 18-21). The examiner's statement in the last full paragraph at page 5 of the Office Action mailed on 08/12/2003 contains a typo error and the examiner wishes to apologize for any confusion that may have been cause. Tamura does disclose the obtained porous film by adding an inorganic salt to the coagulating bath (example 16). Applicants discuss several distinctions in processing steps between the present invention and Tamura. However, Applicants are reminded that the processing steps have nothing to do with product claims unless Applicants provide evidence to demonstrate that such differences would lead to the structural distinction from the prior art. For example, Applicants argue that the process as described in Examples 1-14 of Tamura is completely different form that in the present invention in the polymer concentration and coagulation bath composition. However, these limitations are not present in the claims. Additionally, Applicants should provide factual evidence to support why such differences would lead to the structural discintion from the prior art in term of air permeability and porosity of the film. It appears that the film of Tamura and Applicants are made of the same material such as polymetaphenylene isophthalamide which has a similar specific Young's modulus as shown in table 1. Both are porous film because the pores have been developed through the phase separation during the coagulating step. The claims are unspecific about the differences in the processing step to provide anystructural distinction from the prior art. Applicants argue that the moisture deformation as described in tables 1 and 2 is not an alternative measurement of the gas permeability as disclosed in the claims. The arguments are not found persuasive. The moisture absorption dimensional variation formula disclosed at column 9, lines 50-55 clearly indicates the percentage of the moisture having been absorbed by the film. Since the film of Tamura is porous as discussed above, the moisture absorption must be given by the presence of open-pores in the surface area of the film. Accordingly, the examiner maintains that the porosity, the air permeability would have been inherently present and thus the art rejections are maintained.